

AUG 25 2009

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

JUDICIAL COUNCIL
OF THE NINTH CIRCUIT

IN RE COMPLAINT OF
JUDICIAL MISCONDUCT

No. 08-90234

ORDER

KOZINSKI, Chief Judge:

A misconduct complaint has been filed against a district judge.

Complainant, a pro se litigant, filed a civil case in district court. The subject judge was assigned to the matter.

Complainant alleges that the judge improperly dismissed his claims and denied his request for reconsideration. These charges relate directly to the merits of the judge's rulings and must therefore be dismissed. See 28 U.S.C.

§ 352(b)(1)(A)(ii); Judicial-Conduct Rule 11(c)(1)(B). A misconduct complaint is not the proper vehicle for challenging the merits of a judge's rulings. See In re Charge of Judicial Misconduct, 685 F.2d 1226, 1227 (9th Cir. Jud. Council 1982).

Complainant also alleges that the judge treated him in a hostile manner and was biased against him because of the judge's political views. A review of the record in complainant's case discloses no hostile or impolite treatment. There were no hearings, and it appears that all communications from the judge were by

written orders. These orders are uniformly thorough and polite. Nor does complainant provide any other objectively verifiable proof (for example, names of witnesses, recorded documents or transcripts) to support his allegations. See In re Complaint of Judicial Misconduct, 569 F.3d 1093, 1093 (9th Cir. Jud. Council 2009). Adverse rulings do not constitute proof of hostility or bias. Because there is no evidence that misconduct occurred, these charges must be dismissed. See 28 U.S.C. § 352(b)(1)(A)(iii); Judicial-Conduct Rule 11(c)(1)(D).

DISMISSED.